

Assembly Bill No. 955

CHAPTER 503

An act to amend Sections 9561, 9563, 9564, 9569, 9570, 9573, 9574, 9592, 9593, 9692, 9693, 9694, 9695, 9696, 9697, 10511, 10512, and 10610 of, to repeal and add Section 9101 of, and to repeal Sections 9565, 9566, 9567, 9568, 9571, and 9572 of, the Food and Agricultural Code, relating to agricultural disaster prevention.

[Approved by Governor October 4, 2001. Filed with
Secretary of State October 4, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 955, Florez. Agricultural disaster prevention: quarantine powers.

Existing law authorizes the Secretary of the Department of Food and Agriculture to establish regulations in connection with a quarantine of domesticated animals. Existing law also generally authorizes the secretary to establish quarantine boundaries, hold or restrict the movement of animals relative to a quarantine by the secretary, specifies the powers of the secretary in regard to a quarantine district, and authorizes the secretary to restrict importation of animals, animal products, and vegetable matter in connection with an infectious disease in domestic animals, as specified, and to administer other quarantine matters, as specified. Existing law also authorizes the State Veterinarian to impose a quarantine.

This bill would revise provisions relating to quarantine. Among other things, the bill would transfer the authority of the secretary with respect to quarantine to the State Veterinarian. The bill would also additionally require the department to periodically publish and make available a list of reportable conditions that pose or may pose significant threats to public health, animal health, the environment, or the food supply which list would serve as a basis for reporting these conditions to the department.

Existing law provides that the state may contribute toward the payment of animals ordered destroyed if the United States shares in payment, the value of which to be determined by mutually agreed upon appraisers.

This bill would instead have the value determination made by a mutually agreed upon appraisal process.

Existing law requires the secretary, in the case of certain specified diseases, to impose and administer a quarantine, as specified.

This bill would repeal those provisions and related provisions.

Existing law authorizes the Governor to proclaim quarantine regulations that are applicable to any state, territory, or foreign country relative to any animals or diseases therein, including the regulations under which animals may be imported from those areas.

This bill would repeal those provisions.

Existing law authorizes the secretary to request the Attorney General to initiate proceedings for imposition of a civil penalty, as specified, for persons violating a quarantine, or causing an existing infestation to spread beyond quarantine boundaries, as specified. Existing law exempts the movement of livestock on foot from the pasture to another across state boundaries from that provision.

This bill would transfer, to the State Veterinarian, the authority to request that the Attorney General initiate proceedings to impose the civil penalty, and would eliminate the exemption.

Existing law provides that it is unlawful for any person to move animals that are subject to a quarantine without a permit, or to resist the destruction of any animal suffering from or exposed to any one of certain specified diseases. Existing law also provides that a violation of these provisions is punishable as a misdemeanor.

This bill would expand the scope of those provisions to apply to any person who moves animals, food products from animals, vehicles, farm equipment, farm products, or other materials subject to restriction, or who resists the destruction of any animal ordered destroyed by the State Veterinarian pursuant to a quarantine. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

Existing law provides that it is unlawful for any person to hide, secrete, or fail to disclose any animal suffering from or exposed to any one of certain specified diseases, or to fail to disclose the whereabouts of that animal in order to prevent its destruction. Existing law also provides that a violation of these provisions is punishable as a misdemeanor.

This bill would expand the scope of these provisions to apply to property, and to apply to any disease that is the subject of a quarantine.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

This bill would make additional technical and conforming changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.



The people of the State of California do enact as follows:

SECTION 1. Section 9101 of the Food and Agricultural Code is repealed.

SEC. 1.2. Section 9101 is added to the Food and Agricultural Code, to read:

9101. (a) The department shall periodically publish and make available a list of reportable conditions that pose or may pose significant threats to public health, animal health, the environment, or the food supply. This document shall be known as the “List of Reportable Conditions for Animals and Animal Products.”

(b) Any licensed veterinarian, any person operating a diagnostic laboratory, or any person who has been informed, recognizes or should recognize, by virtue of education, experience, or occupation, that any animal or animal product is or may be affected by, has been exposed to, or may be transmitting or carrying any condition specified in the “List of Reportable Conditions for Animals and Animal Products,” shall report to the department all known information required by the department within the time specified in the “List of Reportable Conditions for Animals and Animal Products.”

(c) For the purposes of this section, “animal” includes any animal, poultry, fowl, bird, or fish.

(d) While the procedure for selecting the conditions required to be reported and the method of preparation and publication of the “List of Reportable Conditions for Animals and Animal Products” shall be established by regulation, the selection of the specific conditions identified in the “List of Reportable Conditions for Animals and Animal Products” and the timeframe for reporting those conditions are exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of Government Code.

(e) Until the department publishes the “List of Reportable Conditions for Animals and Animal Products,” the diseases listed in Section 796 of Title 3 of the California Code of Regulations shall constitute the conditions required to be reported pursuant to this section.

SEC. 1.5. Section 9561 of the Food and Agricultural Code is amended to read:

9561. The State Veterinarian may establish such quarantine, sanitary, and police regulations as may be necessary to prevent, circumscribe, or exterminate, any condition designated pursuant to Section 9562.

SEC. 2. Section 9563 of the Food and Agricultural Code is amended to read:



9563. It is unlawful for any person to move or allow to be moved any of the animals, food product from animals, vehicles, farm equipment, farm products, or other materials that are subject to restrictions established pursuant to Section 9562 or 9569 unless that person has first obtained authorization from the State Veterinarian.

SEC. 3. Section 9564 of the Food and Agricultural Code is amended to read:

9564. If it is necessary to restrict the movements of animals pursuant to Section 9562, the State Veterinarian may fix and proclaim the boundaries of a quarantine area in lieu of separate, individual orders issued to each owner pursuant to Section 9562. While the boundaries are in force, it is unlawful for any person to move or allow to be moved any such animals from or within the boundaries of the quarantine area, unless that person is authorized to do so by the State Veterinarian.

SEC. 4. Section 9565 of the Food and Agricultural Code is repealed.

SEC. 5. Section 9566 of the Food and Agricultural Code is repealed.

SEC. 6. Section 9567 of the Food and Agricultural Code is repealed.

SEC. 7. Section 9568 of the Food and Agricultural Code is repealed.

SEC. 8. Section 9569 of the Food and Agricultural Code is amended to read:

9569. In addition to actions that may be directed by the State Veterinarian pursuant to Section 9562, the State Veterinarian may:

(a) Regulate, restrict, or restrain the movements of persons, vehicles, farm equipment, farm and dairy products, and other property from or into the quarantine area, or from place to place within it, during the existence of the quarantine.

(b) Impose, as a condition to travel through or within the quarantine area, that no person or vehicle which is permitted to travel on any road or highway shall depart from the road or highway while within the quarantine area.

(c) Order all animals within the quarantine area to be detained for purposes of examination or inspection at any place which is specified by him or her in the order.

(d) Cause to be destroyed all animals or property which may be found within the area that are affected with the disease, infestation, or condition or which have been so exposed as to be dangerous to themselves or other animals.

(e) Require a proper disposal to be made of the hide and carcass of any animal which is destroyed.

(f) Adopt and enforce all necessary regulations for cleaning and disinfecting any premises or property where the disease, infestation, or condition exists or has existed by treatment, disposal, or otherwise, and



such other regulations as he may deem necessary to eradicate the disease and to prevent its dissemination.

SEC. 9. Section 9570 of the Food and Agricultural Code is amended to read:

9570. If the State Veterinarian invokes Section 9562, and the importation of animals, animal products, or other property from any state, territory, or foreign country may transmit, carry or disseminate the illness, infection, pathogen, contagion, toxin, or condition designated pursuant to Section 9562, the State Veterinarian shall prescribe the conditions, if any, under which these animals, animal products, or property may be imported into this state.

SEC. 10. Section 9571 of the Food and Agricultural Code is repealed.

SEC. 11. Section 9572 of the Food and Agricultural Code is repealed.

SEC. 12. Section 9573 of the Food and Agricultural Code is amended to read:

9573. A quarantine shall not be established by one county or city against another county or city on account of the existence of any disease or condition subject to the authority of the State Veterinarian pursuant to Section 9562 or 9569.

SEC. 13. Section 9574 of the Food and Agricultural Code is amended to read:

9574. (a) Any person who negligently or intentionally violates any state or federal law or regulation, including any quarantine regulation, by importing any animal or other article, which by virtue of being pest infested or disease infected, causes an infestation or infection of a pest, animal, or disease, or causes an existing infestation to spread beyond any quarantine boundaries is liable civilly in a sum not to exceed twenty-five thousand dollars (\$25,000) for each act that constitutes a violation of the law or regulation.

(b) The Attorney General, upon request of the State Veterinarian, shall petition the superior court to impose, assess, and recover the sum imposed pursuant to subdivision (a). In determining the amount to be imposed, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation and the nature and persistence of the violation.

(c) The remedy under this section is in addition to, and does not supersede or limit, any and all other remedies, civil or criminal, that are otherwise available to the state.

(d) Any funds recovered pursuant to this section shall be deposited in the Department of Food and Agriculture Fund for emergency pest or disease exclusion, detection, eradication, and research of agricultural

plant or animal pests or diseases. These funds may be allocated to cover costs related to the enforcement of this division. These funds are in addition to any funds appropriated for those purposes pursuant to Section 224.

SEC. 14. Section 9592 of the Food and Agricultural Code is amended to read:

9592. The state may contribute toward the payment for the animal or property destroyed if either of the following occurs:

(a) The United States agrees to share equally in the payment.

(b) The State Veterinarian finds that the failure to dispose of the animal, animal product, or property would be or would have been detrimental to human or animal health or the welfare of that animal industry.

SEC. 15. Section 9593 of the Food and Agricultural Code is amended to read:

9593. (a) The value of the animal or property prior to its destruction for which contribution is made pursuant to subdivision (a) of Section 9592 shall be determined by an appraisal process agreed upon by the secretary of the Department of Food and Agriculture and the Secretary of the United States Department of Agriculture.

(b) The value of the animal or property prior to its destruction for which contribution is made pursuant to Section 9592 shall be expeditiously determined by the secretary in consultation with the affected industry.

(c) Nothing in this provision shall be construed to require appraisal or payment before destruction is carried out.

SEC. 16. Section 9692 of the Food and Agricultural Code is amended to read:

9692. It is unlawful for any person to bring or cause to be brought any animal into a quarantined district, area, or premises, without written permission from the State Veterinarian or an authorized representative.

SEC. 17. Section 9693 of the Food and Agricultural Code is amended to read:

9693. It is unlawful for any person to move or cause to be moved any animal from place to place within any quarantined district, area, or premises, without written permission from the State Veterinarian or an authorized representative.

SEC. 18. Section 9694 of the Food and Agricultural Code is amended to read:

9694. It is unlawful for any person to resist the destruction of any animal or property ordered destroyed by the State Veterinarian pursuant to Section 9562.



SEC. 19. Section 9695 of the Food and Agricultural Code is amended to read:

9695. It is unlawful for any person to hide, secrete, or fail to disclose any animal or property that is suffering from, or that has been exposed or potentially exposed to any disease subject to a current quarantine order or to fail to disclose the whereabouts of that animal or property.

SEC. 20. Section 9696 of the Food and Agricultural Code is amended to read:

9696. It is unlawful for any person to fail or refuse to dispose of any property destroyed pursuant to Section 9562 or 9569 in the manner prescribed by the State Veterinarian, when directed or required to do so.

SEC. 21. Section 9697 of the Food and Agricultural Code is amended to read:

9697. It is unlawful for any person to fail or refuse to clean or disinfect any premises in the manner prescribed by the State Veterinarian, when directed to do so by the State Veterinarian pursuant to Section 9562 or 9569.

SEC. 22. Section 10511 of the Food and Agricultural Code is amended to read:

10511. “Beef breeds” means breeds of cattle that are grown for meat production purposes, as determined by the secretary.

SEC. 23. Section 10512 of the Food and Agricultural Code is amended to read:

10512. Female cattle of the beef breeds, which are over 12 months of age, and sold within the state, shall bear evidence of official calfhooed brucellosis vaccination by the presence of an official tattoo visible in the right ear, or by any other evidence of vaccination or identification as the department may, by regulation, specify. Official calfhooed brucellosis vaccination shall not be required for change of ownership in the following cases:

- (a) Spayed heifers identified as the department may specify.
- (b) Female cattle of the beef breeds moving directly to a slaughter establishment.
- (c) Unvaccinated female cattle of the beef breeds sold to slaughter through approved saleyards.
- (d) Unvaccinated female cattle of the beef breeds moving to approved feedlots for a period of time before going to slaughter. These animals shall be moved directly to a slaughter establishment from the approved feedlot.

SEC. 24. Section 10610 of the Food and Agricultural Code is amended to read:



10610. (a) The Secretary of the Department of Food and Agriculture may adopt regulations to control or eradicate cattle diseases, including bovine trichomoniasis, in any of the following ways:

(1) Requiring permits before entry of, and limitations on the importation of, cattle and other animals or materials that might act as a cause or a vector of a disease or condition that is infectious or contagious to cattle.

(2) Limitations on the intrastate or interstate movement of cattle, in compliance with any applicable federal law.

(3) Diagnostic tests, vaccinations, treatments, or other appropriate methods, including, but not limited to, the mandated reporting by designated parties of diseases or suspected diseases.

(4) Notification of owners of cattle that have been exposed, or may have been exposed, to infectious animals or materials.

(5) Similar means that the secretary finds and determines are necessary.

(b) (1) The secretary shall appoint an advisory task force, including, but not limited to, livestock industry representatives and university researchers, for the purposes of advising the secretary on the control and management of cattle health diseases and evaluating the effectiveness of programs established pursuant to this chapter. The secretary shall consult with the advisory task force prior to the adoption of regulations or the imposition of fees by the secretary.

(2) Members of the advisory task force, or alternate members when acting as members, may be reimbursed, upon request, for necessary expenses incurred by them in the performance of their duties.

(c) (1) Any person that willfully and knowingly violates any regulation adopted pursuant to this chapter is guilty of a misdemeanor.

(2) The secretary may, at his or her discretion, prosecute civilly or seek civil penalties, pursuant to Sections 9166 and 9167.

(d) The secretary may impose fees to offset the costs of any program established pursuant to this section, provided that the total fees collected do not exceed the actual costs of regulation or impair the department's responsibilities pursuant to this chapter.

(e) The secretary is authorized to establish accounts within the Food and Agriculture Fund as necessary to efficiently administer the department's responsibilities pursuant to this chapter.

(f) Nothing in this chapter shall be construed to limit or restrict the authority granted to the State Veterinarian in Section 9562.

SEC. 25. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates



a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

O

